

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	)	
	)	
vs.	)	Criminal No. 02-19
	)	Judge Nora Barry Fischer
SCOTT TYREE,	)	
	)	
Defendant.	)	

**ORDER OF COURT**

AND NOW, this 11<sup>th</sup> day of April, 2019, upon further consideration of the pending disputes concerning the potential relocation of Defendant pursuant to 18 U.S.C. § 3605,

IT IS HEREBY ORDERED that by **April 18, 2019**, the Government, Defendant and A.K. shall all file supplemental briefs addressing the following precedent: *United States v. Ohler*, 22 F.3d 857 (9th Cir. 1994) (holding that a criminal defendant is not entitled to notice, a hearing nor appointment of counsel prior to the effectuation of a transfer of probation to a concurring district pursuant to 18 U.S.C. § 3605 and that the location of probation is not a condition of probation); *United States v. Odom*, 217 F.3d 842 (4th Cir. 2000) (citing 18 U.S.C. § 3605 and *Ohler*, *supra*) (“We find that jurisdiction over Odom’s supervised release was properly transferred despite his lack of knowledge concerning the transfer.”); *United States v. Evans*, 87 F.3d 1009, 1011 (8th Cir. 1996) (quoting *Ohler*, *supra*) (rejecting defendant’s argument that revocation of supervised release was improper because transfer to another district was illegal and holding that “we agree with the Ninth Circuit that the ‘location of [supervised release] jurisdiction is not ... a term or condition’ within the meaning of Fed.R.Crim.P. 32.1(b).”); *United States v. Fernandez*, 379 F.3d 270, 272 (5th Cir. 2004) (“the transfer by the Western District Court of jurisdiction over Fernandez’s supervised release [pursuant to 18 U.S.C. § 3605], which was agreed to by the Northern District Court, was proper and,

therefore, that the Northern District Court did have jurisdiction to revoke Fernandez's supervised release.”).

*s/Nora Barry Fischer*

Nora Barry Fischer

U.S. District Judge

cc/ecf: All counsel of record.

Scott Tyree c/o Damien Schorr, Esq.